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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

MAY 30 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the matter of:

MB Docket 02-277: 2002 Biennial Regulatory Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; and

MM Docket 01-235: Cross-Ownership of Broadcast Stations and Newspapers; and

MM Docket 01-317: Rules Concerning Multiple Ownership of Radio Broadcast Stations in Local Markets; and

MM Docket 00-244: Definition of Radio Markets

EX PARTE COMMENTS OF  
WRITERS GUILD OF AMERICA, WEST

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The Writers Guild of America, west, Inc. (WGAW) hereby replies to the ex parte filing on April 29, 2003 by Fox, NBC, Viacom and Disney.

### **The Meaning of "Independent"**

First, we submit that the network filing (especially Exhibit 1) is inaccurate in its categorization of co-productions as "independent." Any categorization of independent productions fundamentally asks the question "independent of what?" The answer, of course, in this case, is independent of *the network*. Thus, to include co-productions with the network as *independent* is to defy the very dictionary definition of the word.

"When I use a word," Humpty Dumpty said to Alice after she had gone through the looking glass, "it means just what I choose it to mean - neither more nor less." Her reply was to ask, "whether you can make words mean so many different things." Alice's desire for words to mean what they mean is our desire.

For example, the networks categorize *Boston Public* as an independent production. This series, however, runs on the Fox network and is produced "in association with" Twentieth Century Fox Television. Thus, Fox not only licenses the program for its network, but acts as a co-producer and also funds the production costs. It is simply wrong, by any measure, to classify *Boston Public* as an "independent" production.

More specifically, the exhibit attached to the network filing of April 29 lists 26 producers with 59 programs as "independent." In fact, just 2 producers with 3 programs can truly be considered independent. A close examination of the exhibit in their filing indicates many of the co-production connections with networks and other divisions of the conglomerates through which the networks exercise control. The exhibit is fatally flawed.

### **More of the Same**

Second, as set forth in the attached table, the number of independent series on the recently announced Fall 2003 schedule remains negligible. Two-thirds of the network schedules continue to be produced in-house or fully dependent on network funding; 98% of programs are produced with a connection to the entertainment conglomerates. This concentration severely limits and restricts the number of diverse sources of programming available to the viewing public.

### **Conclusion**

We include copies of a number of letters from writer-producers expressing their concern over the current rush to decision in this important rulemaking.